TOPICS IN COMMUNITY CORRECTIONS

Annual Issue 1998:

PRIVATIZING COMMUNITY SUPERVISION

National Institute of Corrections

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FOREWORD

David D. Dillingham, NIC Community Corrections Division

While privatization of selected governmental functions is not particularly new, it is a trend that has accelerated in the last few years. Policy makers are increasingly paying private industry to provide a wide range of public services-and in the process redefining government from a deliverer of services to a buyer. This shift is part pragmatic (a search for lower costs and greater efficiency) and part ideological (downsizing government while promoting free enterprise).

Corrections has been part of this redefinition. Although privatization is most visible among prisons and other detention facilities, community corrections is a major player. Continuing a long tradition of going to the private sector for specific services and certain kinds of expertise, managers are increasingly contracting out more and broader functions-up to and including what heretofore have been traditional core activities, e.g., supervision of felony probationers. At the same time, profit-making entities are becoming significant players in a world more and more dominated by fewer but larger, vertically integrated providers--correctional supermarkets selling everything from pre-trial services to post-release supervision.

These shifts have not been without controversy. Views range from "if it's cheaper, it's better" to "dungeons for dollars," with moral concerns about social good being pushed aside for profits. Frequently lost in this discord is a reasoned and thoughtful exploration of the issues and a consideration of what our actual experience has been.

This issue of *Topics in Community* looks at privatization from a practitioner's point of view. First, Mario Paparozzi examines some of the broader issues and reminds us that results are more important than venue. Then, four jurisdictions recount their experiences and provide estimates of success. Finally, three private organizations are profiled as examples of the diversity that exists among providers. It is hoped that these articles will stimulate discussion and a sharing of information that ultimately will result in improved correctional practice. ■

WHETHER PUBLIC OR PRIVATE, IT'S THE RESULTS THAT MATTER

Mario A. Paparozzi, Ph.D., Assistant Professor, The College of New Jersey, and President, The American Probation and Parole Association

Although the privatization of correctional services is generally considered a new movement, it has a long history in community corrections. Probation and parole-as well as community-based residential correctional programs-originated in the work of individuals and voluntary associations that were dedicated to providing services to lawbreakers as well as to the law-abiding public.

In the mid- to late 1800s, however, governments began to shift away from contracting with voluntary associations-virtually all of which were well-known charitable organizations-to providing services directly (Allen and Simonsen 1989, 573). It is not clear why governments decided to expand their involvement in direct service delivery of community corrections rather than to continue outsourcing. Perhaps there was a need to expand services at a pace faster than the volunteer individuals and associations could meet. Or perhaps it resulted from the states' ideologically driven desire to expand its power and control over the citizenry.

A review of the available literature does not shed light on factors prompting governments' shift to direct delivery of services. There were no notorious allegations of breaches in public safety, nor were there indications of abuse and neglect of persons under correctional supervision. On the other hand, there is no evidence that the non-profit contract providers wanted to diminish their involvement in community corrections. Whatever the reason, governments dramatically increased their role in providing community-based correctional services, with the result that services provided by non-government-run programs have, until recently, been limited.

In the past three decades, the virtual monopoly of the public sector over correctional services has begun to chip away. Evidence is most obvious in custodial corrections, but community corrections has not been far behind. Aggressive government contracting for services such as offender assessments, drug testing, electronic monitoring, and halfway houses are but a few examples of the pervasiveness of the new paradigm. Although to a much lesser extent, even some probation field service and pre-trial release functions have recently been shifted to the private sector. [1]

The Economics of Privatization

Pragmatically speaking, the privatization of government services has great appeal. Who does not want to save money and improve quality? An unfettered marketplace, however, can be a heartless place. Perhaps of greatest concern is that when there is a

1. Examples of the privatization of probation field services can be found in Connecticut and South Carolina. For a review of the involvement of bail bond industry in pre-trial release, see "The Problem with Probation," in the May 22, 1998 issue of FYI, published by the American Legislative Exchange Council.

tug between the interests of profit and other concerns, the profit motive seems to prevail.

Free market practices create a competitive paradox. Rather than foster competition among the many, competition sows the seeds of its own demise as entities expand market share by killing off competitors. This can occur through the practice of "buying a contract bid," in which one bidder knowingly underbids a contract in order to increase its market share. It is usually the company with the best financial backing that can afford to underbid, which means that the edge in competition often goes to private, for-profit companies. In the end, however, even the best-financed companies cannot sustain artificially low prices. The result can be inferior products and services, the need to hold on to clients longer than necessary, and perhaps even an abrupt inability to continue providing the contracted services (Lucken 1997). Community corrections practitioners can provide many examples of how such failures have manifested themselves in contracts with providers of electronic monitoring, drug testing, and residential community residential programs.

In the end, a monopolistic marketplace is fertile ground for higher costs, decreased quality of outputs, and-perhaps most troubling-a value placed on self-serving economic interests above all else. This kind of economic Darwinism is particularly of concern in corrections, both custodial and community-based. Marketplace consolidations in community corrections recently have included several acquisitions and mergers in the electronic monitoring industry, community-based residential services, and drug testing.

Private For-Profit vs. Private Not-For-Profit Contractors

What is new about recent privatization trends in community corrections is that they increasingly involve private for-profit entities, as distinct from the private non-profits that have historically dominated this arena.[2] In addition, there has been an increase in the number of non-profit contractors that do not have their roots in charitable associations such as the Salvation Army or the Volunteers of America. Rather, it is often the case that individuals who have left government service establish new, non-profit entities for the specific purpose of contracting with government.

Non-profit entities may not take a profit per se. They may, however, return excess funds (the surplus of receivables over expenditures) to the non-profit organization. In reinvesting funds back into the non-profit, those employed by the association are able to reap significant benefits through salaries and job-related perks. Non-profit providers, like their for-profit counterparts, also can use surplus funds for research and development of existing and prospective programs. The major advantages of for-profit contractors over not-for-profit contractors have to do with tax status, their initial ability to raise money for program start-up, and the ability to return a profit that need not be re-invested in the company.

As the private profit-making sector has become more involved in the provision of correctional services, concern has grown about the potential tension between the

2. Prominent examples of private non-profits that have traditionally provided community-based correctional services include the Salvation Army, Volunteers of America, the Pennsylvania Society, and the Good Will Mission. There is no mistaking that the primary mission of this type of non-profit organization is the provision of correctional services rather than profit.

3. For-profit companies generally have a much easier time raising capital through individual venture capitalists and/or banks because the investment has the potential to appreciate.

need to maximize profit and the need to provide the best possible correctional services. This is the crux of the argument from the public sector (and to some degree from the private non-profit sector) about the dangers inherent in a proliferation of profit-based companies in the field of community corrections. However, although there is a difference in degree, non-profit contractors may also experience a tension between maximizing surplus revenue for self-serving purposes and providing the best possible correctional services. In both for-profit and non-profit settings, the debate about direct government service delivery versus contracting for services brings into focus concerns about "profiteering." [4]

The Government Sector as a Competitor

The term "privatization" initially was reserved for the shifting of government-provided goods and services to private businesses. However, an interesting twist has occurred as government sector employees enter in a focused way into the privatization debate. Government employees, both individually and collectively through unions, have begun to exert political pressure to ensure that they will have equal opportunities to compete with private business. The opportunity to compete, they argue, will result in the development of results-driven management practices and will improve accounting for productivity and costs. The book *Reinventing Government* (Osborne and Gaebler 1992) is something of a treatise on successful governmental forays into the marketplace. However, in the area of community corrections, government agencies are almost never competitors in the bid process.

Public sector groups often claim that community correctional services are best provided in-house. They argue that concerns for maximizing shareholder profits (in for-profit businesses) or for maintaining high surpluses for self-serving reinvestment purposes (for non-profit entities) are absent in the government sector. On the surface, this argument makes sense. It is important to remember, however, that financial motives that can corrupt a principled approach to service delivery can also exist in government. Issues related to job security, salary, overtime, bureaucratic expansion, and unionism all can create a tension in the public sector between self-serving economic interests and provision of the best possible correctional services.

Leveling the Playing Field by Focusing on Results

Clearly, the private for-profit, not-for-profit, and governmental sectors may all have economic motives that can conflict with the need to provide effective correctional services. No organizational structure or setting is necessarily better or worse than any other, if we are clear about what we want to procure in the way of community correctional outcomes.

Competition among for-profit businesses, government entities, and private not-for-profit groups may ultimately fuel the drive to provide the best services at the best price. It will be critical, in any case, to ensure that the determination of best services is grounded in demonstrable results without regard for the organizational structure of the service provider.

For privatization to be successful in community correctional settings, there must be a marriage between the economics of a particular business venture and public

4. The term "profiteering" as used in this context is borrowed from personal conversations with Richard Billak, Ph.D., president of the International Community Corrections Association.

values not shown in cost-benefit calculations. Further, cost-benefit analyses often cannot be relied on for a realistic picture of the fiscal benefits of contracting, because they are based on government-prepared budgets that tend to underreport costs of delivering services. And, to the extent that government-run programs are process-oriented rather than results- or outcome-oriented, the price tag for doing business may be dramatically different when customers demand tangible positive outcomes. There is also an expectation that the private sector can deliver a quality product at the same cost, perhaps cheaper.

It is often the case that, in the final analysis, neither profit-making companies nor non-profit service providers can deliver a quality product within the constraints of the allocated funds. It remains to be seen whether private providers of community corrections programs will be held to the same or a higher standard than government. It is reasonable to expect that they will be held to a higher standard.

This raises the question of what that standard should be. The garden-variety, government-run program has not been held to a rigorous results-based standard. Rather, the focus has been on measuring and managing activities. It is unlikely that policy-makers-not to mention the general public-will continue to be satisfied with activities-based results. As the private for-profit and not-for-profit sectors become more involved in community corrections, they will need clear measures of successful outcomes. These measures will have to be of equivalent importance as profit is to those with a financial interest in the company. Equivalents to profit might include recidivism reduction (safety in the future), short-term risk control (safety now), punishment (satisfying expressive needs for revenge at the individual and societa1 level), restorative justice (efforts toward individual and societal reparation), and prevention (impeding the creation of new delinquents and criminals).

Even the strongest proponents of privatization do not suggest that government can abdicate its responsibility to assure the delivery of appropriate correctional services. In fact, national professional associations such as the American Correctional Association have adopted policies reaffirming that the ultimate responsibility for any correctional program always remains with the government (American Correctional Association 1986). Among practitioners, there is agreement that government should carefully design the specifications for services it wants to procure and should employ rigorous quality controls to ensure that the public gets what it pays for.

Market forces alone cannot fill the void left by the absence of solid theoretical and evidence-based policies and practices in community correctional programming. Unfortunately, there are many examples of community correctional practices that do not have even face validity in terms of providing publicly valued services.

Professionals and the public alike agree that probation and parole caseloads of 100 to 500 cases are absurd. They acknowledge that drug testing that is scheduled, infrequent, and provides test results two or more weeks later is ineffective for both risk management and rehabilitation purposes. They understand that halfway houses that administer treatment in lecture format to more than 150 residents at a time are not likely to ameliorate anti-social behavior. They know that spending an average of 3 to 5 minutes per month with probation clients does not constitute reasonable supervision. All community corrections programs do not fit these examples, but many do. To privatize community-based programs in accordance with these standards would

be folly. (And it is no less a folly when such programs are administered by government.)

Public Expectations as a Touchstone

A sensible discussion about the efficacy of community corrections-publicly or privately run-requires an understanding of what the public wants from it. While there is debate about the punitiveness of the American public, a review of the popular and scholarly literature reveals four major expectations: prevention; short-term risk management; punishment; and future public safety (Doble and Klein 1989). These expectations are analogous to the profit equivalents noted earlier.

The main problem with privatization initiatives in community corrections has more to do with the lack of informed policy about how to achieve what the public values than with the marketplace or the structure of contracting entities. As a result, while privatized programs tend to be slightly less expensive than government-run programs, they generally produce similar results.

Popular and well-funded government-operated community programs sometimes produce either flat or negative results in terms of recidivism. One need only look at the program evaluation research conducted on intensive supervision programs (ISPs) and boot camps for examples (Petersilia and Turner 1993; MacKenzie 1990). Nevertheless, ISPs and boot camps remain popular because they speak to other public values: they punish and incapacitate. Similarly designed programs run by the private sector would likely produce the same recidivism results.

But perhaps a new program design could be developed that would maintain these outcome foci while better ensuring future public safety. For this to occur, the government would need to insist on outcome measures of recidivism reduction. If an outsourced contract for recidivism reduction is awarded and evaluation data are required, the successful bidder will seek state-of-the-art strategies for accomplishing its mission-and therein lies the true benefit of a competitive marketplace for community correctional programming.

In the final analysis, we should not care as much about the venue as we do about the result. Each sector, governmental or private, profit or non-profit, carries with it a unique set of potentially self-serving economic interests. Self-serving economic interests need not be unilaterally defined as contrary to the goals of community corrections or as inherently vulgar-whether they are found in the private for-profit, private not-for-profit, or public realms. ■

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CONNECTICUT PROBATION'S PARTNERSHIP WITH THE PRIVATE SECTOR

Robert J. Bosco, Director, Connecticut Office of Adult Probation

Recent years have seen jails, prisons, probation agencies, bail, and police functions privatized to various degrees and with varying success. Regardless of the impetus for moving traditional public sector functions to the private sector, the field of community corrections generally resists the trend. It is seen as a threat to our jobs and our security. It is seen as an intrusion (perhaps illegal) on government and its responsibility to serve citizens in a fair and equitable manner. Finally, privatization is seen as a false promise to reduce crime effectively and efficiently while also reducing taxpayer cost.

The private sector, in turn, has realized that the field of criminal justice represents a new customer base and has consolidated, expanded, or modified its primary business in order to become more appealing to funders and policy makers. In addition, private companies can often use their pre-established lobbying efforts to get the attention of legislators in competing for the state dollar-often without the knowledge of the existing governmental criminal justice agency.

Probation and parole agencies have traditionally used the private sector to augment their primary responsibility of offender supervision, entering into contracts for services such as drug treatment, electronic monitoring, and urinalysis. The welcome mat is out, as long as private sector resources are dedicated to a particular expertise, such as job placement or polygraph services, and do not infringe on the traditional role of the agency-the authority over and supervision of offenders.

A number of factors have now changed the playing field, allowing the private sector to knock on the front door. Dwindling resources, fiscal problems, and jail overcrowding, along with sensational cases that have fueled the public's negative perception of community corrections, have all resulted in new opportunities for private sector competition. In my view, however, the single most important factor contributing to this situation is our own shortcoming in identifying, implementing, measuring, and marketing quality programs-programs which, in fact, do serve to increase public safety.

Pressures for a Public-Private Partnership

Regardless of the cause, community corrections now must compete with a growing private sector. In response to an ever-increasing caseload and decreasing resources, the Connecticut Office of Adult Probation (OAP) has decided to partner rather than compete with the private sector. This has been a controversial decision, one which we hope will benefit OAP, the private company, and the public in an agreement in

which each group works toward a shared goal even as each maintains a clear and separate role.

OAP conducts approximately 15,000 investigations annually, of which about 4,500 are presentence investigations and alternative incarceration investigations. The supervision caseload is approximately 56,000 and has grown 3 percent every year over the last 10 years. OAP collects and disburses in excess of $3 million annually in restitution to victims and continues to perform numerous other tasks required to fulfill its legal obligations.

Unfortunately, however, the staffing and resources allotted to OAP have not kept pace with the increasing caseload. This has been especially true in the past 10 years. As a result of the state's budget problems and its reactions to these problems-including layoffs, office consolidations, and early retirement programs-staffing levels have declined even while the workload has steadily increased. Caseloads for probation officers have reached an average of more than 200, and some officers supervise more than 300 cases. In fact, according to the Criminal Justice Institute, Inc., the average caseload for Connecticut's OAP has been in the top five nationally since at least 1986. In calendar year 1996, average probation caseloads in Connecticut were exceeded only in California, Rhode Island, and Georgia.

As a result of these circumstances, OAP initiated a long-term project in 1992 to enable it to better manage its resources. The cornerstones of this project were an articulation of risk management as the agency's core philosophy and a commitment to assign staff and resources in direct proportion to the risk level of the case. In this way OAP could be more effective in its statutory responsibility to provide rehabilitative services while enhancing community safety. In fact, prevailing data in the field of community corrections, OAP's own experiences, and an evaluation of OAP's Intensive Sex Offender Unit in New London all support the belief that paying more attention to higher risk cases can reduce offenders' future criminal behavior.

Segmenting the Probation Population

OAP is committed to a philosophy of risk management. Under this rational framework, OAP is charged with measuring its risk and outcomes, structuring its programs to direct the highest quality probation supervision and treatment services to its high-risk and violent offenders, and evaluating its organizational effectiveness by continuous self-examination. The effectiveness of risk management lies in the research-supported premise that a substantial positive outcome can be achieved when high risk cases receive quality program interventions. The efficiency of risk management lies in minimizing interventions for relatively low-risk cases.

Risk management involves four program components:

- Systematic assessment of the risk, violence, and criminogenic needs of each probationer;
- Allocation of organizational resources in direct proportion to risk;
- Use of quality behavioral interventions to reduce risk; and
- Program evaluation driven by outcomes.

Assessing the probationer's risk to re-offend and his/her criminogenic needs is the most important step in risk management. This assessment determines the level at

Table 1. Levels of Supervision in Connecticut Probation

Level of Supervision	Risk Assessment Risk/ Violence	Case Description	Caseload Size
Intensive	High risk and high violence	Generally felony cases with high levels of violence and high needs	25 to 40
Level I/High Risk	High risk or high violence	Generally low felony cases with less violent offenses and high needs	75 to 85
Level II/Medium Risk	Medium risk and low to medium violence	Generally low felony/high misdemeanor cases with some or no violence, moderate needs	200 to 250
Level III/Low Risk	Low risk and low to medium violence	Generally non-convicted cases, medium to low misdemeanor with little or no violence, some to no needs	500 and up

which the probationer will be supervised and allows the probation officer to identify quickly the factors in the offender's life that most contribute to criminal behavior. Many states use, or have adapted, the risk assessment models created in the 1980s and Connecticut is no exception. Our present risk assessment tool was revised and implemented in 1994-95.

Once a case is assessed for risk, it is placed in the proper level of supervision modality. Defining appropriate levels of supervision results in probation services that are in direct proportion to the risk and need of the probationer. The use of levels of supervision addresses the probationer's risk-related needs in an effort to reduce the likelihood of future criminal behavior. Levels of supervision also provide guidelines for allocating time and resources in accordance with offender risk, define intervention strategies by developing supervision objectives, control workload by setting priorities based on risk, define performance standards, and provide a basis for case review. Table 1 describes the levels of supervision used in Connecticut's probation system.

The Private Sector Solution

Table 2, page 11, illustrates the OAP caseload by level and the number of staff needed to handle the workload, both before privatization at the close of 1997 and as adjusted by July 1998. As Table 2 makes clear, OAP in 1997 was considerably understaffed. Caseload figures as of December 31, 1997 indicated that a total of 271 field probation officers would be needed to maintain caseload ratios at a reasonable level (particularly for intensive and high-risk cases) and to fulfill other major functions. Unfortunately, only 224.7 FTE officers were available to staff the agency, a deficit of 46.3 officers.

Our options were limited. There was no opportunity to obtain funding for new staff, as the prevailing attitude favored downsizing state agencies. Increasing our caseload ratios, particularly at the high risk and intensive levels, was counter to our risk management philosophy and would compromise community safety. Strategies for

utilizing available personnel resources such as supervisors, interns, and volunteers and redefining essential functions had already been exhausted.

We needed to find a way to manage our resources without compromising public safety. Taking advantage of Connecticut's predisposition toward privatizing state services and in response to our limited resources, OAP made a conscious decision to partner with the private sector. In 1997, via the state bid process, OAP selected General Security Service Corporation (GSSC) for the Level III Monitoring Project. Under the project, GSSC assists OAP in monitoring a majority of the Level III (low risk) population.

Level III cases are primarily those in non-convicted status or low-level misdemeanants, who have few needs and whose past records reflect little or no violence (see Table 1). Our data indicate that this population successfully completes probation about 90 percent of the time, with little intervention by the probation officer. However, the case management functions involved with so many cases were costing OAP the equivalent of 41 probation officer positions. These functions include maintaining the initial case referral, ensuring the completion of community service, ensuring that reports are sent to court in a timely fashion, responding to phone calls, and tracking new arrests.

Scope of Contracted Services

Under the terms of the contract for services, OAP screens all cases prior to referral to GSSC, and an OAP probation officer retains the authority and all decision-making over each case referred for private case management. Cases in which there may be an indication of violence are not referred, nor are any cases deemed inappropriate for any other reason by the probation officer.

Table 2. OAP Staffing Needs Before and After Level III Privatization

Case Type/Function	Workload	Caseload Ratio		OAP Staff Needed	
		Before privatization (12/31/97)	After privatization (7/1/98)	Before privatization (12/31/97)	After privatization (7/1/98)
Intensive	1,704	35	35	49	49
Level I/High Risk	7,618	75	75	102	102
Level II/Medium Risk	14,414	300	300	48	48
Level III/Low Risk	23,369	***600***	***1,500***	***41***	***16***
Other (pending, Interstate Compact, warrants)	7,000	600	600	11	11
Pre-sentence Investigations	4,500	216 investigations annually per position		20	20
			Total Staff	***271***	***246***

The case management responsibilities of the contractor include:

- Providing an introductory letter to the probationer;
- Monitoring restitution;
- Monitoring compliance with conditions of probation;
- Responding to inquiries;
- Preparing standardized reports for probation officers;
- Providing verification of condition compliance; and
- Providing statistical reports.

Except for monitoring compliance with conditions, the contractual responsibilities of the contractor do not include active supervision of offenders. For example, when probationers or others call OAP, GSSC will refer the caller either to a predetermined list of referral sources or to a probation officer. Contract staff have no face-to-face contact with the probationers.

Thus far, over 13,000 cases have been referred to the private contractor for monitoring; it is anticipated that 18,000 to 20,000 cases will be the maximum. It is important to understand that this privatization initiative was created in response to a growing caseload and lack of staff and that its main focus is to provide a resource for OAP, not to replace the agency. Because of the contract, OAP has been able to increase the number of Level III cases per probation officer and reserve our own personnel for cases requiring higher levels of supervision. While we still are not at an acceptable staff level, we have reduced our staff deficit from 46.3 to 21 FTE positions, at a reduced cost to the state, while increasing our ability to monitor intensive and Level I cases.

While one may argue that the "success" of this privatization initiative could potentially foster an attempt to expand monitoring into the higher risk offender pools, I believe that the real measure of its success is in the agency's ability to use its resources to control recidivism of the highest risk offender population. ■

AN EVALUATION OF PRIVATE PROBATION SUPERVISION AND CASE MANAGEMENT IN COLORADO

Suzanne Pullen, Management Analyst, Office of Probation Services, Colorado Judicial Department

Privatized corrections is not a new phenomenon in this country, or indeed, in the state of Colorado. In a survey on privatized government services conducted for the Council of State Governments 58.6 percent of the respondents indicated their states had expanded privatization services within the last 5 years (Chi and Jasper, 1998). Further, these respondents indicated that corrections was the third fastest growing area of privatization in their states. Colorado reported the second highest number of privatized programs in the country (125); Florida reported the most (15 1).

In 1976, when Colorado's community corrections act was established, the state contracted with community boards which, in turn, contracted with either community or privately-run halfway houses. The Department of Corrections has managed a large number of inmates by contracting with other states and, more recently, with private prison corporations to house inmates. In the juvenile correctional sector, contracts have been established with private diversion programs for pre-adjudicated youth and with private halfway houses and private placement programs for adjudicated youth. Finally, functions such as food services, cleaning services, medical services, and mental health services have been contracted out to the private sector for decades. Thus, the privatization of probation supervision in Colorado follows a long history of transferring what is typically thought of as a government function to the private sector.

At this writing, many contracts for private probation services are moving into their second year, and questions regarding the effectiveness of privatized probation are surfacing. To answer these and other questions, the Office of Probation Services (OPS) staff conducted a cursory evaluation of private probation agencies in Colorado. This report presents the findings from that evaluation.

The Need for Private Supervision of Probationers

The philosophy of supervising offenders in the community according to their assessed level of risk to reoffend is based on the risk principle described by Andrews and Bonta (1994). The premise of the risk principle is that criminal behavior can be predicted and that levels of treatment and supervision should be matched to the offender's assessed level of risk. When treatment and supervision are matched with levels of risk, say Andrews and Bonta, the probability of recidivism is decreased. Grounded in this philosophy, Colorado in 1995 adopted standards for probation supervision, including contact and treatment standards.

This risk-based supervision philosophy and its accompanying standards, however, require more probation officers than the General Assembly can fund. The resulting need for officers as well as ever-growing probation populations prompted the Chief Justice to issue a directive in May 1996 allowing probation departments to contract with private agencies for the supervision of low-risk probationers. The Colorado General Assembly then enacted legislation in July 1996 allowing probation departments to enter into contracts with private agencies for the purpose of supervising probationers.

Probation districts must contract with a private provider before placing low risk offenders under their supervision. Currently, 13 of the state's 22 judicial districts have entered into such contracts.

Contracts between probation departments and private vendors hold private providers to the same standards of service and supervision as the local probation departments. No funds are transferred from probation departments to private vendors; rather, the contractors directly bill their clients for supervision services, based on fees set by the state's General Assembly.

Evaluation Methodology

OPS conducted its evaluation study to gain a quick understanding of privatized probation in Colorado. It examined the degree to which privatized probation providers are accomplishing two goals: 1) meeting the need to decrease probation caseloads and 2) meeting the terms of their contracts with probation departments. OPS also sought to determine whether access to the Judicial Department's data management system (ICON) would enhance contractors' performance and what level of access would be most appropriate.

Six of the 13 jurisdictions that currently hold contracts with private providers were selected for review based on their ability to represent agencies and districts across the state. Four of the districts maintain contracts with the largest private probation provider in Colorado. Two jurisdictions hold contracts with other private vendors in their districts.

The evaluation included two components: case file reviews of cases transferred to private vendors, and interviews with representatives from each private agency and each Chief Probation Officer included in the sample. In addition, data from the ICON system were used to determine the extent to which probation departments were diverting probationers from their caseloads to the private providers. (The system tracks the number of offenders supervised by private probation agencies based on monthly census forms completed at the district level.)

- The case file review provided data to measure adherence to conditions identified in contracts, including supervision standards, in such areas as the number of officer-offender contacts, collection of fees, and whether assessments were conducted in a timely manner. In each site, at least 12 cases were reviewed (n=87).
- Interviews with private vendor representatives and the Chief Probation Officer were conducted by one or two analysts in each site. In all, six Chief Probation Officers and eight private provider representatives were interviewed. Interview data made it possible to answer process questions such as how decisions were

made, to explore the nature of the relationship between private vendors and probation departments, and to examine how issues of concern are managed by the two agencies.

Evaluation Findings

The analysis was focused around five key questions. Each question is presented below and answered on the basis of both case file and interview data.

1. To what extent are probation departments diverting probation cases to private providers?

Within the six districts included in the evaluation, a total of 1,323 probationers were either transferred by probation departments or directly sentenced by the court to be supervised by private contractors in February 1998. Local probation caseloads were therefore reduced by this number. The diversion of these low-risk offenders allows local probation departments to focus more clearly on the supervision and case management of medium- and high-risk offenders that are burdening their caseloads.

2. To what degree are private providers meeting their contractual agreements, including standards for probation supervision?

Each contract between a private vendor and a local probation department states that the vendor agrees, among other things, to meet the supervision standards outlined in Section IV of the July 1996 *Standards for Probation* (Colorado Judicial Branch, 1996). The standards are included in every signed contract.

A review of rates of compliance with 20 probation supervision standards indicates that private providers were 100 percent compliant with 11 of the standards reviewed (a 55 percent compliance rate).

- **Absence of written policies.** Standards with the lowest levels of compliance had to do with the lack of written policies regarding such issues as apprehension of absconders, self-protection in the face of threats or physical force, searches of probationers, the management of offenders at risk for HIV and AIDS, the use of electronic home monitoring, and registration of sex offenders. While the standards clearly state that these policies are to be on hand in every office supervising probationers, many of the standards do not relate to the population of offenders being managed by private vendors.
- **Missing or substandard assessments.** Initial assessments and reassessments were frequently missing. Given that most cases reviewed were transferred from probation departments, the initial assessment would have been the responsibility of the original probation officer. It was difficult to tell whether an initial assessment had been conducted and was not present in the case file, or whether it simply had not been done. In terms of reassessments, analysts determined that a reassessment should have been conducted in 73 percent of the cases reviewed. In only 46.2 percent of cases, however, were reassessments found in the case file. In addition to missing assessments and reassessments, analysts found a number of scoring errors, missing rater boxes, and violations in scoring rules on assessment forms reviewed. These errors, coupled with the low rate of assessments and reassessments, indicated a profound need for training among private probation providers.

- **Excessive contacts.** Private vendors far exceeded the expected face-to-face contact standards. The standards dictate the need for one face-to-face contact every 60 days for low-risk probationers. Most private providers require monthly face-to-face contacts with offenders; one provider's practice is to see its clients on a weekly basis. Given the state's philosophy of risk-based supervision and the relationship between supervision level and outcome, concerns regarding over-supervision of offenders may need to be addressed. Specifically, if private providers routinely exceed the standard for face-to-face contacts with low-risk probationers while local probation departments meet these standards, concerns regarding equal protection may need to be addressed.

An additional area of concern is the management of revocation complaints. All providers have guidelines, clearly written in their contracts, under which to prepare a complaint for revocation. In each district, the Chief Probation Officer and the private provider have agreed to a process for preparing and filing revocations. The process varies from district to district. In most districts, private providers file the complaint directly with the court, and the probation departments are not informed.

Certain judges, however, do not accept revocation complaints from private providers and require that the complaint be signed by a probation department representative. In some instances, these districts have deputized private probation officers to avoid the need to have a local probation representative involved in the revocation complaint process. Chief Probation Officers and private providers in all districts throughout the state reported that the management of revocation complaints and proceedings by private providers is working quite well.

Each private contractor included in this evaluation generally met the criteria agreed to in their contracts, except for the documented staff-to-probationer ratio. Even then, private contractor respondents were able to clearly define their staffing policies. Additionally, one of the seven private contractors did not conduct criminal history checks on employees; the vendor believed his long working relationships with his staff precluded the need to conduct such background checks. All contractors were compliant with the other criteria.

3. To what degree are Chief Probation Officers comfortable with the cases managed by private probation providers?

Overall, the Chief Probation Officers interviewed were comfortable with the transfer of cases to private probation. In keeping with the Chief Justice Directive, most cases transferred to private agencies for supervision score as low risk on the Levels of Supervision Inventory (LSI). Most offenders transferred to private agencies are non-violent offenders. All Chiefs reported having good working relationships with vendors and noted that any problems that had arisen were easily and quickly resolved.

Chiefs were asked whether they viewed the private providers as an extension of probation, i.e., as another unit supervising low-risk offenders, or as distinct and separate unit. Responses were mixed. While the general tendency was to see the private provider as a separate entity, some Chiefs noted that there is a closer relationship with these vendors than with other contracted service providers. As one Chief said, "The line is close. We contract with several agencies, but we have more responsibility [in this case] because [the contractor] works for us under a contract. The expec-

tation from the Chief Judge is that it is my responsibility; if something goes wrong, I'm the one who gets the call."

4. What types of offenders are being transferred to private providers? Are there certain types of offenders that should or should not be supervised outside of probation departments?

The first wave of offenders transferred from state-run probation to private providers has generally been low-risk, according to the LSI. (The average initial LSI score for those assessed was 14.3). Some districts have transferred cases that'score medium or even high, but these are typically in unusual circumstances. One district routinely transfers both minimum- and medium-risk cases to the private vendor.

The cases reviewed in this evaluation generally consisted of non-person crimes such as habitual traffic offenses, drug offenses, and burglaries. Some cases involving personal crimes, such as child abuse and assault, were transferred to private providers after their risk levels decreased.

Private providers often take over supervision for cases receiving deferred judgments from the court. In many cases, Chiefs and private provider representatives indicated that judges routinely sentence these cases directly to the private provider. However, our sample for this evaluation consisted mainly of cases transferred by the probation agency.

All those interviewed said that sex offenders are not placed with private providers and, as of April 17, 1998, offenders supervised through interstate compact agreements were not being placed with private providers.

5. Should private providers have access to the Judicial Branch's automated data system for case management? If so, to what level?

Three of the seven private providers included in this evaluation currently have access to the Judicial Branch's ICON automated case processing database. Chiefs and private vendors agreed that all private vendors should have access to the system. Such access would allow local probation departments to know how cases are being managed in the private sector, and it would allow more accurate reporting of caseloads.

Private providers believe that access to ICON could increase their ability to obtain more accurate and timely information on the offenders they supervise. In addition, their reliance on court clerks and probation department staff would lessen as a result of their ability to access ICON.

Findings from this evaluation indicate that the Chief Probation Officers in the jurisdictions studied are generally very pleased with the ability to contract for supervision services of low-risk probationers. Additionally, they are quite satisfied with the quality of services provided by the private vendors. All those interviewed reported that any problems that arose have been corrected, and generally with very little difficulty. In many cases, the most difficult issue was developing a process to ensure good communication between probation departments and private vendors.

Private providers exceeded standards for face-to-face contacts. Some research findings (Andrews, Bonta, and Hoge, 1990) suggest that over-supervision of low risk offenders has a negative impact on future criminal behavior and program

outcome. Additionally, routinely exceeding contact standards for low risk offenders in one district and just meeting the standards in another district may generate concerns of equal protection. Local probation departments may want to discuss these issues with private providers.

In summary, private providers are generally managing low-risk probation cases transferred from local probation departments in accordance with their contracts and the standards for supervision. Technically, some private vendors are not in compliance with contract standards due to the lack of certain written policies required in the contract. Many of the required policies do not relate to the work of the private vendors, however, so this issue seems to be minor.

In terms of case management, and private providers' ability to offer a service to the courts and to probation departments, the transfer of low risk cases from probation to the private sector appears to be a mutually beneficial arrangement. ■

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PRIVATIZATION OF COMMUNITY SUPERVISION AS A PUBLIC SAFETY ISSUE

JoAnne Leznoff, Correctional Program Administrator, Florida Department of Corrections

Recent indicators suggest that there is significant public concern, both nationally and within the state of Florida, about the manner in which government conducts business and spends tax dollars. In response, many areas of government have been involved in a process of self-evaluation to determine how best to provide public services. Part of this effort involves analyzing what aspects of government work could be performed more effectively by private enterprise.

The Department of Corrections, Community Corrections section, has taken the initiative in developing partnerships with private enterprise. The department currently contracts with private providers for all drug treatment, psychological, mental health, educational, vocational, and electronic monitoring services. These contracts have been the result of the department's interest in providing quality, cost effective services as well as the legislature's support for this approach.

The Department has explored the issues inherent in any consideration of privatizing the community supervision of felons. Included in the analysis are:

- A description of the felony population being supervised in the community under the control of the Department of Corrections;
- A discussion of the current infrastructure and ancillary activities of the Department of Corrections, Community Corrections section;
- A comparison of supervision services provided by public and private providers; and
- A summary of the state's experience with one private provider of felony community supervision.

The analysis brings to the surface some issues related to the potential privatization of felony supervision in the community, from the perspective of the Department of Corrections. In our view, the privatization of supervision could have a direct bearing on public safety.

The Felony Population in the Community

As of June 30, 1997, there were more than 140,000 felons on some form of community supervision by the Department of Corrections. Information about community-supervised felons in Florida demonstrates that an over-simplified discussion of felony supervision in the community may seriously understate its significance to public safety.

- **Types of crimes.** Felons placed on community supervision rather than incarcerated are often considered to be the least dangerous offenders, but the Department of Corrections, Community Corrections supervises persons convicted of both violent and non-violent crimes. Roughly 30 percent of the 132,869 felony offenders supervised by the department committed a violent crime, such as murder, sexual offenses, robbery, burglary, or weapon offenses. More than 10,000 offenders are currently under community supervision for murder/manslaughter or a sexual offense. Others are supervised for non-violent crimes such as drug offenses, thefts, and frauds, among others; it is important to remember that many non-violent offenders tend to commit crimes frequently, thereby creating persistent criminal justice problems in our communities.
- **Legal status of felons serving department sanctions.** The dominant sanction imposed on felons in Florida is placement on community supervision. Significant numbers of felons are also incarcerated, of course, but it is worth noting that more than 10,000 offenders who, under state sentencing policy, should have gone to prison instead received a community based sanction in FY 1996-97. Table 1 describes by offense type the number of offenders who received a community-based sanction when a prison sanction was mandated by state sentencing guidelines. It also indicates the rate at which each offense type was mitigated to a community-based sanction during that period. Over 40 percent of felons currently under supervision are repeat felony offenders. (This figure does not include prior convictions where the sanction was county jail, county probation, or a sanction in anotherjurisdiction.)
- **Monetary obligations of supervised felons.** Offenders under community supervision are often responsible for paying victim restitution, court costs, and other monetary obligations that must be processed or at least monitored by the supervising agency. Obligations for victim restitution for all felony offenders on active community supervision as of June 30, 1997, totalled more than $380 million. Obligations for costs other than supervision fees and restitution totalled $121 million.

Table 1. Mitigation of Prison Sentences from Guidelines Result, Violent Offenses, FY 1996-97

Offense	Total Mitigated Scoresheets to Non-State Prison Sanction	Mitigation Rate **
Murder/manslaughter	149	17.5%
Sexual battery	188	31.6%
Lewd and lascivious behavior	736	59.3%
Robbery with weapon	324	21.9%
Robbery without weapon	204	35.5%
Other violent offense	3,668	58.0%
Weapon involved	348	37.9%
Total	**5,617**	**46.9%**

** Mitigation rate-rate at which the offender did not receive a prison sentence although a prison sentence was mandated by the guidelines.

Department of Corrections Standards and Infrastructure

The department has well-established, uniform standards and an infrastructure that makes possible the effective management and supervision of this population. Some of these standards and structures can only be provided by a statewide and, in some instances, by a governmental entity.

- **Standards of operation** - The Department has established uniform standards of operation for all aspects of community supervision, including timeframes and formats required for reporting noncompliance and methods of establishing payment plans, verifying offenders' residence and employment status, referring offenders to treatment and other programs, and contacting the offender and others in the community. The standards are sufficiently stringent to ensure that community supervision is a meaningful sanction. Reliance on such standards results in a consistent and high-quality delivery of service to the courts and the public.
- **Officer qualifications** - Probation officers of the Department of Corrections are certified by the Florida Department of Law Enforcement (FDLE). Employees of private entities cannot be FDLE certified. Certification requires a background investigation of the employee, including a national records check and a review of moral character, successful completion of an extensive basic recruit academy, a passing grade on the probation officer certification exam, and continued training. Probation officers with the Department also must have 4-year college degrees.
- **Information database -** The Department has a statewide automated database network that is continually updated. It contains extensive information on offenders, such as the current supervision status and supervision history of offenders, court information, offender status movement; current prison information and incarceration history of offenders; victim restitution and other payment obligations for each offender including a record of all payments; investigations conducted by the Department; and sentencing guidelines scoresheets for all felony offenses committed on or after January 1, 1994.
- **Offender transfer provisions** - The Department has developed appropriate mechanisms for transferring offenders from one jurisdiction to another without interrupting the delivery of service. These mechanisms include formal transfer under the U.S. Interstate Compact.
- **Urinalysis provisions** - The Department has standardized urinalysis procedures both in the probation office and through laboratory confirmation. These standards ensure legally sufficient chain-of-custody control of samples and sufficient monitoring to ensure that offenders are tested at the appropriate frequency to detect illicit drug use.
- **Treatment provisions** - The Department contracts with private providers to make treatment services available to offenders, including evaluation, outpatient drug treatment, moderate- and long-term residential drug treatment, psychological services, and vocational and educational services.
- **Proactive public safety measures** - The Department participates in a wide variety of activities which aid in public safety. Officers can make physical arrests in instances of imminent harm or danger to the public and assist law enforcement in the investigation and apprehension of criminals.

Table 2. Comparison of Public and Private Monitoring of Conditions of Probation

Orders of Supervision	Activity by the Department	Activity by the Private Sector
Standard orders of supervision—		
Offender must submit a report to the probation officer.	Officer consults with the offender in the office when the report is received. If this does not occur, the officer must make up the contact in the community.	Offender may or may not be seen by the officer.
Offender must pay cost of supervision.	The officer establishes an automated payment plan upon a statewide network and monitors for compliance.	Monetary obligations are most often collected and accounted by hand. Records are not available for public scrutiny.
Offender movement and living arrangements are restricted.	Officers supervise offenders in the community; offender residence is monitored.	Supervision in the community is not provided. Monitored only by offender self report.
Certain activities and associations are prohibited or limited.	Supervision in the community means that activities and associations are monitored. Court orders permitting, offenders are drug-tested regularly.	Supervision in the community is not provided. Activities are monitored only by offender's self-report.
Offender must maintain employment and support dependents.	Employment is regularly verified through personal contact with employers. Employers are notified of the offender's legal status.	The offender supplies employment verification.
Officers are to be admitted to residence and other places.	Officers make regular contact with offenders in their homes, places of employment, and other areas in the community.	No contact with offenders in the community or at residences is provided.
Offender must not violate the law.	Arrests are monitored through local and national record checks and routine review of jail bookings.	Arrests may be monitored through a final local record check just prior to termination.
Special orders of supervision—		
Offender must pay victim restitution, court costs, and other monetary obligations.	Automated network establishes payment plan, does accounting, and provides for speedy disbursement of restitution and other costs.	No uniform method of collection/disbursement exists statewide. Records are not available for public scrutiny.
Contact prohibited with victims or minors/groups.	Officer makes contact with offender and others in the community to monitor condition.	This condition is not actively monitored.
Offender must participate in programs.	Department contracts with treatment providers. Activity in program is verified every 90 days.	Treatment programs are not in place. Method of monitoring varies.
Offender must submit to search and seizure.	Officers are law enforcement officers and can conduct search and seizure.	Currently not performed.
Certain employment or leisure activity is prohibited.	Officer maintains employer contact. Officer makes contact in the community with offender and others.	Method of monitoring varies. No contact in the community is provided.

Table 2, continued

Orders of Supervision	Activity by the Department	Activity by the Private Sector
Offender must submit to drug testing.	Routine urinalysis is conducted at the probation office and confirmed by laboratory testing.	Methods vary or urinalysis is not conducted.
Public notification is mandated.	Currently achieved through statewide automation systems and cooperative agreement with Florida Dept. of Law Enforcement.	Private sector has no uniform automated information system. Procedures not established.
Offender must submit to DNA testing.	Referral procedures with local sheriff are in place.	Procedures not established.
Offender is confined to residence by curfew.	Curfew is monitored by officer contact at the residence.	This condition is not actively monitored.

A Comparison of Public and Private Supervision Practices

Community supervision of felony offenders can ensure public safety and punishment only through the conditions of supervision imposed on the offender. Conditions are effective only to the extent that the orders of supervision are conveyed to the offender, the offender's compliance with the order is comprehensively monitored, and non-compliance is promptly reported to the sentencing authority for action.

Table 2 identifies differences in the ways the Florida Department of Corrections and private providers ordinarily ensure compliance with orders of supervision. As the table makes clear, the Department's approach is more thorough.

One Experience with Private Supervision

The state of Florida has had at least one experience with contracting for felony probation supervision in the community. In 1988 a private probation entity was formed in a Florida county specifically to provide felony probation services. By March 1990 the company supervised 257 felony probation cases and 74 house arrest cases.

The state's experience with that provider was problematic, and the company was ultimately mandated to discontinue service.

- The provider obtained its caseload through direct overtures made to individual judges. One of the judges involved was employed on a part-time basis by the contractor.
- The fee for probation was $30 per month, and the fee for house arrest cases was $9 per day. Of offenders referred to the provider, 73 percent were white, and private counsel represented 74 percent of those referred to house arrest.
- Victim restitution was withheld from victims for several months.
- No individual caseloads were maintained; offenders simply reported to "a supervisor on duty."

- There were no requirements for staff to be certified or to meet minimum qualifications set forth in Chapter 943 Florida Statutes.
- No field or surveillance supervision outside the office was provided, nor were any ancillary services provided, such as drug testing or treatment.
- The contractor did not maintain accurate records regarding the offenders' location, financial obligations, and other case information.
- Offenders, including those on house arrest, were allowed to leave the state permanently and remained unsupervised.
- The agency's fiscal records were not subject to public scrutiny.

On May 2, 1990, the Chief Judge in the circuit issued an Administrative Order mandating that the cases under supervision by this entity be turned over to the Department of Corrections for supervision.

Although this was a single experience, it may offer some valuable lessons about the advisability of private entities providing community supervision. In light of an examination of the issues inherent in effective community supervision, it is apparent that any policy decision regarding the privatization of this function requires serious consideration and meticulous review from a public safety perspective.

PROBATION SUPERVISION: THREE CONTRACTORS IN PROFILE

Barbara Krauth and Larry Linke, N/C Information Center

#1. Intervention, Inc., Denver, Colorado

- Private, non-profit organization.
- Established in 1986.

Areas served. Intervention, Inc., provides offender supervision and program services in approximately half of the 22 judicial districts in Colorado. Additionally, the agency provides electronic home monitoring on a limited basis in two other western states.

Offender populations. Intervention, Inc., provides supervision and services to felony, misdemeanor, and ordinance violators (municipal court). Approximately 10,000 offenders are assigned to agency programs, of which 7,500 are probationers. The agency also provides pretrial supervision and manages public service programs. Almost all probationers were misdemeanants prior to 1996. The state's supreme court justice issued a directive that year mandating that offender risk, rather than crime of conviction, be the determining factor for placement in private probation programs. Now approximately one-third of the probationers supervised by Intervention are felons, and two-thirds are misdemeanants. All are lower risk as measured by the Level of Service Inventory (LSI).

Contract management and oversight. Intervention, Inc., has formal contracts with courts or probation agencies in most judicial districts, some established through a competitive bidding process. However, informal agreements exist with several jurisdictions and no formal policy now exists within the state regarding the frequency of opening contracts for competition. Intervention is required to comply with offender contact standards established for probation and non-residential community corrections services. State agencies monitor compliance through periodic audits. Recommendations to revoke or discharge cases are governed by policies established by Intervention, and audits are used to monitor compliance with those policies. State probation staff are not involved in individual recommendations to terminate probation supervision.

Funding. Probation services provided by Intervention, Inc., are supported solely by offender fees. The agency is authorized to charge up to $35 per month but establishes a sliding scale based on income. Collections average $22.60 per offender per month. Fees vary for public service and electronic monitoring programs. Intervention's policy is not to recommend revocation solely for failure to pay.

Staffing. Intervention has approximately 100 employees. Caseloads vary from 200 to 250 per caseworker, depending on intake activities provided. The agency also contracts for some specialized services.

Services: Intervention provides the following services directly to offenders:

- Casework management;
- Employment readiness;
- Day reporting/day monitoring;
- Electronic monitoring;
- Public service;
- Brokering/referral;
- Pretrial supervision;
- Presentence investigations;
- Substance abuse and domestic violence evaluations;
- Monitoring payments of economic sanctions; and
- Intensive treatment and surveillance for offenders with multiple substance abuse violations (the Multiple Offender Program).

Outcomes. Intervention, Inc., now reports on outcomes of placements from individual courts and specific offender groups but does not have data on an overall agency success/failure rate.

#2. BI, Inc., Boulder, Colorado

- Private, for-profit business.
- Established in 1978. Initiated private probation services in 1996 through business acquisitions and expansion of services.

Areas served. BI provides primary probation supervision in five states. The company provides supervision support and offender treatment services to public probation/parole agencies in seven additional states through programs such as day reporting centers. These support services are targeted for higher risk felony populations. After an initial business emphasis in electronic monitoring services (now provided throughout the U.S. and in five foreign countries), BI is diversifying into a variety of community-based correctional services.

Offender populations. In the five states where BI provides direct probation services, three contracts involve only misdemeanant offenders. Supervision is provided to both felons and misdemeanants in the other two states, although most cases are misdemeanants. BI provides primary probation supervision to approximately 34,000 offenders in the five states.

Contract management and oversight. BI provides probation supervision through formal contracts with governmental units, usually with county commissioners, county courts, or probation agencies. About 75 percent of the contracts have

been secured through a competitive process. In some jurisdictions, the standards or minimum requirements have been stipulated by the governmental agency in the bidding or contractual process. Where performance requirements are not stipulated, the standards and service levels proposed by BI become incorporated into the contracts. Contractual compliance is monitored by regular reports, inspections, and audits. BI staff make recommendations for case discharge or revocation independently.

Funding. Revenue for BI's probation supervision services comes solely from offender fees. Monthly supervision fees range from $30 to $50 per probationer, and BI reports a collection rate of approximately 90 percent of assessed fees. A BI manager indicates that revocation recommendations are rarely based on failure to pay supervision fees.

Staffing. In the five states where BI provides primary probation supervision services, approximately 300 staff are located in 45 offices. The officer-to-case ratio for misdemeanant supervision averages 1:200. No caseloads exceed 250 per officer, and small caseloads are formed for specialized offender populations.

Services. BI offers the following services in programs providing primary probation supervision:

- Case management;
- Life skills training;
- Job readiness/placement;
- "Personal responsibility" classes;
- Cognitive training;
- Anger management classes;
- Electronic monitoring;
- Substance abuse testing;
- Offense-specific group counseling and prevention education;
- Substance abuse treatment and education;
- Sex offender treatment;
- Referral;
- Domestic violence awareness/prevention classes; and
- Management of fee collections and economic sanctions.

BI has developed propriety technology applied to offender assessment, case management and tracking, reporting, and information management.

Outcomes. BI reports that 90 percent of misdemeanor cases are discharged successfully and that the average length of misdemeanor probation supervision is approximately 6 months. ■

#3. Salvation Army, State of Florida

- Non-profit agency.
- Established in 1865.

Areas served. The Salvation Army provides supervision of misdemeanants in 20 Florida counties. By statute, each county in Florida is free to select the method by which misdemeanants are supervised. The Salvation Army has supervised misdemeanants in some Florida counties for 25 years.

Offender population. Supervision is provided only to misdemeanants, who, in Florida, have received sentences of 1 year or less. Florida statute requires state supervision of felony probationers. Most offenders supervised by the Salvation Army are adults, although caseloads include a few juveniles convicted of driving offenses. The total number of offenders under supervision at any given time is about 55,000; there are more than 27,000 new cases each month.

Staffing. The Salvation Army has about 425 corrections employees in the state of Florida. Each counselor is typically responsible for supervising 140 misdemeanants.

Contract management. The Salvation Army provides misdemeanant supervision through formal contracts with each county commission, an arrangement specified by statute. Once the county approves a program contract, the Salvation Army reports only to judges. Contracts are competitively bid every 3 to 5 years. State statute specifies certain minimum standards for supervision, based on court orders. These include requirements such as monthly reporting, collection of fees and restitution, drug testing, etc. However, the Salvation Army has itself modified ACA standards for felony supervision to address supervision of misdemeanants.

Funding. Supervision services are funded exclusively through offender fees. Although the Salvation Army collects only 70 percent of fees owed, offenders are never violated for non-payment of the probation fee.

Programs. The Salvation Army provides no direct programming. Instead, it refers probationers to other agencies for appropriate treatment programs, including job placement, DWI schools, and substance abuse treatment. Those convicted of domestic violence are sent to a provider that uses a Duluth model program for domestic violence, as mandated by statute. These agencies usually charge offenders on the basis of a sliding scale; some also have contracts with the state to offer services to indigent offenders.

Outcomes. At present, the Salvation Army has no reliable data on success or failure of those it supervises. However, with the new institution of computerized records, the agency is developing an outcomes-based evaluation to track offenders' success. ■

APPA Position Statement

Privatization

(Approved 1987)

Introduction

Probation and parole agencies have traditionally involved private sector services in the care, supervision and treatment of offenders. Recently, overcrowded caseloads and the increased demands for enhanced or specialized services has resulted in the emergency of a commercial market in the delivery of probation and parole services. Consequently, probation and parole agencies are confronted with the need to define the purpose, role and scope of involvement of private sector services in the supervision, care and treatment of offenders.

Position

The American Probation and Parole Association supports the American Correctional Association's policy statement on private sector involvement in corrections. In accordance with that policy, APPA believes that probation and parole, as agencies of government, have the fundamental legal responsibility to protect the public and provide offenders the opportunities to lead law-abiding lives. Implicit in this mandate are the basic principles of responsibility and authority to provide the most cost effective means of carrying out our mission. Consequently, probation and parole agencies are expected to utilize private sector services to enhance or supplement supervision and casework services. However, such delegation of authority must assure the retention of the fundamental legal responsibilities vested by the courts, parole boards and correctional agencies.

Contractual services play a vital role in enhancing the ability of probation and parole agencies in supervision, care and treatment of offenders. Such services are particularly important in meeting the special needs of offenders. Further, contractual services have the desired effect of enhancing the involvement of the community in the correctional process. The involvement of the private sector in probation and parole service delivery should be viewed as a partnership, with the private sector services being an extension of the probation and parole agency. Private sector service providers should act as agents of government and be held accountable to sound professional standards and practices which are prescribed by the probation and parole agency. Probation and parole agencies must set standards and evaluate the effectiveness of private sector services in meeting the mission, goals and objectives of the probation and parole agency toward the end of protection of the public and the provision of opportunities for offenders to lead law-abiding lives.

Probation and parole agencies should define the function, role and scope of private sector involvement in their service delivery systems. Such policy and clearly stated contractual obligations which enhance professional service delivery are essential in maintaining public confidence and fulfilling our ultimate responsibility as government agencies.

ICCA PUBLIC POLICY ON PRIVATIZATION

I. INTRODUCTION

Recognizing that innovation, expertise, experience and ability is found in many quarters, and that cost efficient and effective service delivery requires participation of many providers there is increasing interest in the use of private for profit and nonprofit organizations as the providers of correctional services, facilities, and programs. Although most current correctional programs are operated by public agencies, profit and nonprofit organizations have community resources for the delivery of services that are often unavailable from public correctional agencies. Public correctional agencies and department, including probation and parole, are under great pressure to explore the widest range of alternatives for increasing the effectiveness and efficiency of their operations. These alternatives include private sector contractually provided services and programs

II. STATEMENT OF PRINCIPLES

This is not a new approach. Private sector participation in corrections has existed throughout the history of that profession. Today government and private contracted correctional services are currently operating or being explored in an ever increasing number of provinces, states, counties and municipalities. The ICCA believes that agencies of government have the fundamental legal responsibility of public protection. While government should retain this ultimate authority, it is consistent with good policy and practice to:

1. Enhance the community correctional service delivery system by contracting with the private sector when justified by cost, quality, and ability to meet programming objectives and outcomes;

2. Utilize private sector expertise and resources in the research, development, and implementation of "best practices" regarding community correctional programs and policy;

3. Actively consider expanding the use of the private sector to develop, fund, operate, and/or provide services, programs, and facilities for community correctional needs when the approach is cost effective, safe, and consistent with sound community correctional practice and the public interest;

4. Ensure the appropriate level of service delivery and compliance with recognized community correctional standards through professional contracting practices.

5. Recognize the value added by the private sector to the purpose and ideals of the corrections profession.

III. Background

The operation of halfway houses, group homes, and community centers by private sector nonprofit groups has been the backbone of community correctional practices for over a century. The continued expansion of inmate populations, plus the need to increase capacity in the areas of alternatives to incarceration has led to numerous discussions of increased use of the private sector to meet the ever increasing system needs. The value of the private sector is unmatched in the areas of innovation and community involvement. Additional resources are generated though the use of volunteers, community advisory boards, private foundations and funding not to mention the numerous awards garnered by the private sector for quality non programming. The ICCA is a private community corrections membership association which has professionalized community correctional programming for years. The organization has always emphasized open discussion, research, evaluation, and the adherence to professional standards.